IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1070 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HEMABEN ARUNBHAI PATEL - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MS SONAL R SHAH for Applicant(s) : 1,
MR RC KODEKAR, ADDL. PUBLIC PROSECUTOR for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 06/07/2007

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioner – original

complainant has prayed for an appropriate writ, direction and/or order directing the respondents No.2 and 3 to immediately and personally carry out detailed, proper, speedy and fair investigation under Section 156(2) of the Code of Criminal Procedure lodged by the petitioner with the learned JMFC, Vyara dated 21.12.2006 registered as Inquiry Case No. 30 of 2006.

2. Today, when the matter is called out, Shri R.C.Kodekar, learned APP under the instructions from the Investigating Officer has submitted that the complaint in question is already investigated upon and appropriate C Summary report is submitted before the concerned learned Magistrate.

3. Ms. Shah, learned advocate appearing for the petitioner has submitted that till date, according to their information, no such report is filed.

4. Be that as it may, the fact remains that the

investigation is already concluded and according to the prosecution, the C Summary report is already submitted. However, without entering into the same, if the C Summary report is not filed by the Investigating Officer, the same shall be filed by the Investigating Officer within a period of one week from today and it will be open for the petitioner – original complainant to oppose the said C Summary report by raising appropriate objections and as and when the objections are raised, the same shall be considered in accordance with law and on merits after giving an opportunity to the petitioner – original complainant.

5. With these, present petition is disposed of. Direct Service is permitted.

[M.R.Shah, J.]

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